

Hamilton County Board of Zoning Appeals - North District

January 20, 2004

Mr. Kirby called the official meeting of the Hamilton County Board of Zoning Appeals - North District to order at 7:58 p.m.

Members Present: Tim Clark, Frank Habig, Ron Hall, Kristin Johnson, and Gerald Kirby. Also present: Randy Leerkamp, Legal Counsel; and Linda Burdett, Secretary.

Declaration of Quorum: Mr. Kirby declared a quorum with five out of five members present.

Guests: See guest sheet.

Communications/Reports: None to present.

Approval of Minutes: Mr. Kirby **asked for approval** of the minutes from November 18, 2003. Do we have a motion?

Mr. Hall **so moved**.

Mrs. Johnson seconded.

With no comments or corrections...Mr. Kirby called for the vote. **5 yes votes...0 no votes**.

Election of Officers: Mr. Hall **nominated Gerald Kirby** to serve as Chairman.

Mr. Habig seconded.

With no other nominations being made...Mr. Kirby called for the vote. **5 yes votes...0 no votes**.

Mr. Habig **nominated Chris Johnson** for Vice Chairman.

Mr. Hall seconded.

With no other nominations being made...Mr. Kirby called for the vote. **5 yes votes...0 no votes**.

Mr. Kirby **nominated Linda Burdett** for secretary.

Mrs. Johnson seconded.

With no other nominations being made...Mr. Kirby called for the vote. **5 yes votes...0 no votes**.

New Business: Mr. Kirby continued the meeting with **NBZA-R.V.-0001-01-2004** concerning the petitioner proposing to subdivide an existing 10.6 acre parcel into three parcels for residential use. One parcel will have less than 330 ft. of public road frontage. Would you please step forward and present your case.

Patrick Rector, of 2850 East 96th Street, Indianapolis, stated his name and address for the record. We are wanting to split the 10 acres into three buildable tracts as shown on the exhibit we submitted. One of the tracts will have less than 330 public road frontage. The property has good drainage on it. We would probably build custom homes on the three parcels.

Mr. Hall asked Mr. Rector if he was saying... the fact that it's 10 acres is a hardship? What is the hardship in this being used as either an agricultural site or a large lot building site?

Mr. Rector answered that it requires a more expensive building site. The hardship is that there are smaller tracts around this property.

Mr. Kirby asked Mr. Rector how long he had owned the property.

Mr. Rector answered... a year.

With no further questions from the Board... Mr. Kirby opened the hearing to the public at 8:07 p.m.

David Dean stated his name for the record. My wife and I own the property just to the north. And we have nine acres there. I am opposed to dividing it. I would like to keep it at one house. We bought the property from McManns. There was a grandfathered area of three acres. We bought that and built a home and then we bought almost five acres to the south of us and then almost an acre to the north. Our home has been there for 10 years and the property owned by James Estes has been there since the turn of the century.

Mr. Habig asked Mr. Dean if all of his properties were deeded separately.

Mr. Dean stated that when he bought it it was three different parcels. Two years ago I built a pole building and we had to join some of the properties together to do that.

Steve Bales, of 44 West State Road 38, Sheridan, stated his name and address for the record. I am the second lot east of where the 10 acre tract is. My wife and I have been out there for 30 years. When my father-in-law died I acquired 2 ½ acres more so that gave me around 3 acres. I listened to the gentleman and he wasn't real sure about what he was going to put in there. The drainage in that area is pretty good but there is a spot up there that does hold water and when it gets real wet there will be a mud hole in there.

James Estes, 52 West State Road 38, Sheridan, Indiana, stated his name and address for the record. My property is 3.49 acres and just east of the property. I would like to see it kept as one tract. We are the only people that are actually in a group. The surrounding area around here is all divided up into 10 plus acres. There have been several houses built around there recently and I know they have larger tracts.

With no one else from the public stepping forward to address the Board... Mr. Kirby closed the public portion of the hearing at 8:18 p.m.

Mr. Clark **moved to approve** as presented.

Mr. Kirby seconded.

Mr. Habig stated that his main concern was that there was no real hardship other than the fact that they want to cut it up so it would sell easier. I don't see a hardship as to why it would have to be divided up into three lots.

Mrs. Johnson agreed.

Mr. Clark stated he also agreed. The hardship needs to be on the property for the purpose it was intended for. To grant this variance you would have to show a reason why it could not be used for the A-2 classification. The classic example is if you had a pipeline or maybe a power line and to honor the right-of-way you could not set your house where it belongs.

Mr. Hall stated that the petitioner did a really good job in preparing the drawings and that sort of thing but really didn't address any of the issues that we are required to find in order to grant a variance.

With no further discussion... Mr. Kirby called for the vote. **0 yes votes...5 no votes.** Variance declined.

Old Business: None to present.

Director's Report: None to present.

Legal Counsel Report: Nothing to report.

The next meeting will be Tuesday, February 17, 2004.

With nothing further to come before the Board...Mr. Habig **moved to adjourn.**

Mrs. Johnson seconded.

With no further discussion...Mr. Kirby called for the vote. **5 yes votes...0 no votes.** Meeting adjourned at 8:26 p.m.

Gerald Kirby, Chairman

Date: _____

Linda Burdett, Secretary

Date: _____